

ASSEMBLY BILL

No. 436

Introduced by Assembly Member Saldana

February 24, 2009

An act to amend Section 9004 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 436, as introduced, Saldana. Elections: initiatives.

Existing law requires that the proponents of an initiative measure submit a draft of the measure to the Attorney General for preparation of a summary of its chief purposes and points. Under existing law, the proponents are required to also submit at that time a \$200 fee that is held in trust and refunded to the proponents if the measure qualifies for the ballot within a specified time period, but the fee is paid to the General Fund if the measure fails to qualify.

This bill would increase that fee to \$2,000 and would specify that, if deposited into the General Fund, the fee be used to reimburse the Attorney General for its costs in preparing the title and summary of proposed initiative measures. The bill would require that the Attorney General annually review the fee and increase it in accordance with an increase in the California Consumer Price Index.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9004 of the Elections Code is amended
2 to read:

1 9004. (a) Upon receipt of a draft of a petition, the Attorney
2 General shall prepare a summary of the chief purposes and points
3 of the proposed measure. The summary shall be prepared in the
4 manner provided for the preparation of ballot titles in Article 5
5 (commencing with Section 9050), the provisions of which in regard
6 to the preparation, filing, and settlement of titles and summaries
7 are hereby made applicable to the summary. ~~The~~

8 (b) The Attorney General shall provide a copy of the title and
9 summary to the Secretary of State within 15 days after receipt of
10 the final version of a proposed initiative measure, or if a fiscal
11 estimate or opinion is to be included, within 15 days after receipt
12 of the fiscal estimate or opinion prepared by the Department of
13 Finance and the Joint Legislative Budget Committee pursuant to
14 Section ~~9005~~.

15 ~~If~~ 9005. *If* during the 15-day period, the proponents of the
16 proposed initiative measure submit amendments, other than
17 technical, nonsubstantive amendments, to the final version of the
18 measure, the Attorney General shall provide a copy of the title and
19 summary to the Secretary of State within 15 days after receipt of
20 the amendments.

21 (c) The proponents of ~~any~~ *an* initiative measure, at the time of
22 submitting the draft of the measure to the Attorney General, shall
23 pay a fee of two ~~hundred thousand~~ *thousand* dollars ~~(\$200)~~ (\$2,000), which
24 shall be placed in a trust fund in the office of the Treasurer and
25 refunded to the proponents if the measure qualifies for the ballot
26 within two years from the date the summary is furnished to the
27 proponents. If the measure does not qualify within that period, the
28 fee shall be immediately paid into the General Fund of the state
29 *for reimbursement of the costs incurred by the Attorney General*
30 *for preparing the title and summary of proposed initiative*
31 *measures. The Attorney General shall annually review the amount*
32 *of the fee required by this subdivision and shall increase it in an*
33 *amount equaling any increase in the California Consumer Price*
34 *Index as determined pursuant to Section 2212 of the Revenue and*
35 *Taxation Code..*